

DETAILED ACTION - ALLOWANCE

Claim Status

Applicants' amendment filed January 13, 2010, in response to the Office action dated August 13, 2009 has been entered. Claims 1, 2, 6 and 37-39 have been amended and claims 31-33 cancelled. Accordingly, claims 1, 2, 6-8, 16-30 and 37-39 remain pending in the application. Claims 7 and 8 stand withdrawn from further consideration, with traverse, as drawn to a non-elected invention.

The title of the disclosure was previously objected as not being commensurate in scope with the claimed invention. Applicants have amended the specification to change the title of the application. Thus, the objection is hereby withdrawn.

Claims 1, 2, 6, 16-33, and 37-39 were previously rejected under 35 U.S.C. §112, first paragraph, as non-enabled for the full scope of the invention. Applicants have provided evidence in support of using retroviral vectors in cardiac myocytes. Applicants have further amended the claims, limiting the method of the claimed invention to using viral vectors that express D-type cyclin and CDK genes, and obviating the grounds for rejection. Thus, the rejection is hereby withdrawn.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alexander H. Spiegler, on April 8, 2010.

The application has been amended as follows:

In the claims,

Claim 1 has been amended as follows:

The words "and cultivating or holding said cardiomyocytes" have been deleted, in the fourth line.

Claims 7 and 8 have been cancelled.

REASONS FOR ALLOWANCE:

The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach or make obvious the proliferation of terminally differentiated cardiomyocytes by introducing and expressing the combination of D-type cyclin and cyclin dependent kinase genes containing nuclear localization signals.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 1, 2, 6, 16-30 and 37-39 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FEREYDOUN G. SAJJADI whose telephone number is (571)272-3311. The examiner can normally be reached on 6:30 AM-3:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach can be reached on (571) 272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fereydoun G Sajjadi/
Primary Examiner, Art Unit 1633